

RESOLUTION NO. 2005-218

A RESOLUTION OF THE LODI CITY COUNCIL RESCINDING
RESOLUTION NO. 95-48, AND SUBSEQUENT 1999 AMENDMENT
THERETO, RELATING TO THE SIDEWALK POLICY; HEREBY
ADOPTING 2005 SIDEWALK MAINTENANCE POLICY, AND FURTHER
AUTHORIZING AND DIRECTING THE CITY MANAGER TO
IMPLEMENT THE PROCEDURES

WHEREAS, the existing Curb, Gutter, and Sidewalk Repair Policy was adopted
by Resolution No. 95-48 in 1995; and

WHEREAS, the City Council subsequently amended the Policy, by motion
action, on May 5, 1999; and

WHEREAS, the City Council now desires to rescind Resolution No. 95-48 and
the amendment thereto in 1999 and adopt a new policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi
does hereby take the following actions:

- 1) Rescinds Resolution No. 95-48 and the 1999 amendment; and
- 2) Hereby adopts the 2005 Sidewalk Maintenance Policy, as attached
hereto marked Exhibit A; and
- 3) Hereby authorizes and directs the City Manager to implement the Policies
adopted herein.

Dated: October 5, 2005

I hereby certify that Resolution No. 2005-218 was passed and adopted by the
City Council of the City of Lodi in a regular meeting held October 5, 2005, by the
following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and
Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

CURB, GUTTER & SIDEWALK MAINTENANCE POLICY

October 2005

Resolution 2005-218 adopted by the City Council at its meeting of October 5, 2005.

I. GOALS - The goals of this policy are to:

- a) Improve the City's sidewalk system to encourage walking and improve safety by reducing the number of defects in the sidewalk
- b) Improve the sidewalk system for persons with disabilities
- c) Reduce the City's liability exposure and cost
- d) Utilize opportunities provided by State law to place costs with the appropriate party
- e) Provide for procedures that are efficient to administer

II. NOTICE AND ACTION

- a) Property owners and tenants have the responsibility to report to the City of Lodi all defective curb, gutter and sidewalk fronting their property. (For purposes of this Policy, sidewalk includes portions of driveways within the right of way.)
- b) The Street Superintendent will inspect and classify sidewalk repairs for action per this Policy. Generally, offsets or other defects less than 3/4" are considered minor and require no further action except at locations where trip/falls occur which will be processed for repair/replacement.

III. SIDEWALK MAINTENANCE

- a) LIABILITY – Public liability for sidewalk (including curb, gutter and driveways) maintenance rests with the property owner per the Lodi Municipal Code.
- b) TEMPORARY PATCHING – The City shall grind or place a temporary patch on sidewalks where there is 3/4" - 1 1/2" vertical offset or minor irregularities as part of its regular maintenance program. This will be done at no charge to the property owner (up to three times, after which replacement is required). The property owner or tenant has the responsibility to notify the City of any change in the condition of the sidewalk or the patched area.
- c) REPLACEMENT – When a vertical offset in sidewalk is greater than 1 1/2", the location shall be processed for removal and replacement. These areas will also be temporarily patched until replaced. Curb, gutter and driveways shall be replaced as necessitated by adjacent sidewalk work or if offsets are causing extended water holding or present a hazard and is entirely the responsibility of the property owner except as in d) below. Driveways shall not be modified to include pipes, fill or similar use of the gutter. Gutter encroachments existing as of the adoption date of this policy may remain provided they are maintained to not impede water flow, street sweeping or pose a hazard to the public.
- d) CITY COST PARTICIPATION – The City will provide 100% of the cost of repairs in cases where a tree within the public Right of Way has caused the damage.

IV. TREE MAINTENANCE

- a) The City shall be responsible for root surgery on all City-maintained trees where it is required. City shall remove City-maintained trees when required under City's adopted Tree Policy. This work will be done in conjunction with the replacement of the sidewalk and/or the curb and gutter.

- b) Root surgery on privately-owned trees is the responsibility of the property owner.

V. FEES, PAYMENT & DEFERRAL

- a) Encroachment permit and administrative fees will be waived for property owners who undertake maintenance/replacement without formal notice. Fees are applicable to cases in which the City (or its contractor) does the work and processes formal notices.
- b) The City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City.
- c) Property owners meeting low-income eligibility per the City's utility discount program (SHARE) may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement. Fixed interest on the amount owed shall be established at the then-current Local Agency Investment Fund rate and accumulated interest shall be capped at 100% of the principal.
- d) The City Manager is authorized to establish procedures to implement this policy and to execute payment agreements pertaining to this policy and to file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

VI. SIDEWALK/BASEMENT ENCROACHMENTS

- a) New basement encroachments into the sidewalk area are prohibited.
- b) Existing basement encroachments shall either be abandoned by the property owner or be covered by an encroachment permit, issued administratively, in which the property owner assumes maintenance responsibilities and provides standard insurance coverage and certificates.
- c) When the City initiates replacement of adjacent curb, gutter and/or sidewalk as part of a capital improvement project, the City shall bear the cost of resetting serviceable basement access doors. The property owner shall provide a new door set, if necessary, and a structural "roof" for additional basement encroachments on which the City can install sidewalk. As an option, if the property owner elects to have a basement access/encroachment abandoned, the City will remove the access, backfill, and replace sidewalk and pay for the necessary wall at the building foundation.
- d) When the City initiates replacement due to conditions which are the property owner's responsibility under the maintenance conditions described in the City's sidewalk repair policy, the property owner shall bear all costs for repairs except if the property owner abandons the basement access, then the City will participate as in c) above.
- e) The City Manager may authorize a one-time replacement of basement access doors, at City expense, in conjunction with circumstances described above within Zone A-1 of the Lodi Central City Revitalization Assessment District, 95-1, provided the property owner complies with Section b) above.